

From: Williams, Edwina (VDSS) [<mailto:edwina.williams@dss.virginia.gov>]
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MEMORANDUM

TO: Licensed Assisted Living Facilities and Adult Day Care Centers
FROM: Lynne Williams, Director
DATE: June 8, 2012
RE: Legislative Update, 2012

As many of you are aware House Bill (HB) 971 was passed in this year's General Assembly session and is effective July 1, 2012. This bill results in changes to § 63.2-1719 of the Code of Virginia (Code). The following is guidance on what the changes are and how the Division of Licensing Programs is going to handle them:

HB 971 **§63.2-1719**

1. What does HB 971 say?

HB 971 adds the following crimes to the definition of "barrier crime" at § 63.2-1719 of the Code:

- Felony violation of a protective order as set out in § 16.1-253.2;
- Abduction as set out in subsection B of § 18.2-47 (subsection A was already included, adds subsection B, the underlining indicates the language in B that is different from A) – "Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services shall be deemed guilty of "abduction";
- Extortion by threat as set out in § 18.2-59; and
- Felony violation of a protective order as set out in § 18.2-60.4.

2. What programs does this legislation affect?

- Assisted living facilities and adult day care centers;
- Other programs including nursing homes, adult foster homes, and facilities licensed by the Department of Behavioral Health and Developmental Services.

3. How will this affect the inspection of background checks?

Criminal history record reports received on or after July 1, 2012 by assisted living facilities and adult day care centers for individuals required to have background checks must be screened for these additional crimes listed at § 63.2-1719. Criminal history record reports received before July 1, 2012 by assisted living facilities and adult day care centers are not to be screened for these new barrier crimes.

4. What changes will be made to regulations?

An exempt action to update the Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers (22VAC 40-90) will be presented to the State Board of Social Services at their June 2012 meeting. This action is exempt from the normal regulatory process since the only revisions to the regulation are those that are already in the Code.